

## **REMARKS**

In the Office Action dated December 6, 2006, claims 1-16 were rejected under 35 U.S.C. §102(e) as being anticipated either by European Application 0 982 971 or United States Patent No. 6,654,468.

With regard to anticipation based on the European Application, Applicants respectfully traverse that rejection. The European Application is discussed at page 2 of the present specification, and undertakes filtering as set forth in Figure 1 of the present application. It is true that the European Application makes use of a transfer function having a polynomial numerator and a polynomial denominator, but filtering of each of the microphone signals is done individually in the separate paths as shown in Figure 1. The filtering is independent in each of the paths, and no filtering in either of the paths is done dependent on an amplitude measured in the other path. Original claims 1 and 9 each require that an amplitude of a first output signal be measured in a predetermined frequency range and a second amplitude of a second output signal be also measured in the predetermined frequency range, and that the filtering take place to reduce a difference between the first and second output signals, by filtering the first output signal dependent on the first amplitude and the second amplitude. No such filtering is disclosed or suggested in the European Application, and in fact the contrary is disclosed in the European Application by the use of the aforementioned separate and independent paths for the respective output signals.

In response to the anticipation rejection based on the Thompson reference, each of independent claims 1 and 9 has been amended to state that the filtering is undertaken with a filter having a transfer function having a polynomial numerator and

a polynomial denominator, and the filtering is undertaken by multiplying the first output signal by this transfer function. Original claims 5 and 13 were incorrect in stating that the filtering takes place by multiplying the first output signal by one of the polynomial numerator or the polynomial denominator. As clearly shown at page 9 of the present specification, the transfer function has a polynomial numerator and a polynomial denominator, and the filtering takes place by multiplying the first output signal by that transfer function in its entirety. This is also made clear in Figures 3 and 4 of the present application.

The independent claims also have been amended to state that the filtering takes place in a feedback loop wherein only the aforementioned polynomial numerator is varied. The combined effect of the filtering and this type of feedback regulation is for the purpose of reducing the difference between the first output signal and the second output signal. No such filtering and feedback regulation is disclosed or suggested in the Thompson reference.

The Thompson reference discloses a hearing device wherein compensation circuitry is connected to respective microphones, namely a front microphone and a back or rear microphone. This circuitry, as shown in Figures 5 and 6 of the Thompson reference, has a transfer function as stated in column 5, lines 33-40. There is no disclosure in the Thompson reference of conducting the filtering in a feedback group wherein only the polynomial numerator of the transfer function is varied. The Examiner acknowledged as much in the last paragraph at page 3 of the Office Action, wherein the Examiner simply stated that Thompson shows conducting the filtering in a feedback regulation loop, and employing parameters in the feedback loop to equalize the first and second amplitudes. The Examiner did not cite any

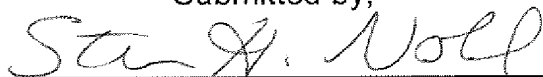
disclosure or suggestion in the Thompson reference to achieve such equalizing by varying, in the feedback loop, only the numerator polynomial of the transfer function.

Therefore, neither the Thompson reference nor the European Application discloses all of the elements of independent claims 1 and 9 as arranged and operating in those claims, and therefore neither the Thompson reference nor the European Application anticipates either of the independent claims, or any of the remaining claims depending therefrom.

Moreover, neither of those references provides any suggestion to achieve the aforementioned reduction of the difference between two microphone output signals by the aforementioned filtering combined with a feedback loop wherein only the polynomial numerator of the transfer function of the filter is varied. In the absence of any suggestion in either of these references, a person of ordinary skill in the field of hearing aid design would find no teaching, motivation, inducement or guidance in either of those references to modify either of those references to employ feedback of that type.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,



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